

Section 41A. Entertainment and Attraction Overlay

PURPOSE: The Entertainment and Attraction Overlay is a planning tool that is intended to encourage the development of property with the goal of establishing unique as well as modern urban development in situations where strict adherence to standard zoning criteria inhibits the creative process. The objective of the Entertainment and Attraction Overlay is to promote progressive land development on tracts of land with maximum flexibility in the design of entertainment and attraction projects. This overlay should be utilized to establish compatible land uses within urbanized areas and generate the appropriate criteria necessary to enable the development of land that is unlikely to occur given the standards established in other zoning districts. Care should be given to ensure that development under this section in no way negatively impacts the health, safety, and welfare of the general public. The discretionary oversight granted in this section shall allow the Planning and Zoning Commission and the City Council the ability to establish standards and impose conditions upon such requests to mitigate or eliminate potentially adverse effects upon the community or upon properties within the vicinity of the proposed use. Designation under this section shall not affect the underlying zoning of the property except as provided in the ordinance establishing the overlay.

DEFINITION: Relative to the application of this overlay an “attraction” shall be generally defined as a place of interest where individuals or groups of persons visit for its entertainment, inherent or exhibited cultural value, historical significance, natural or built beauty or amusement opportunity.

GENERAL GUIDELINES: All uses—permitted, accessory, and conditional relative to a request for the creation of an Entertainment and Attraction Overlay shall be initially established by the underlying zoning district. Consideration may be given to projects of an unusual nature that employ creative features that can not meet the intended literal requirements of the zoning ordinance as well as to the grouping or massing of uses.

APPLICATION FOR ESTABLISHING AN ENTERTAINMENT AND ATTRACTION OVERLAY: An application for an Entertainment and Attraction Overlay shall be filed with the Director of Development Services, which shall be forwarded to the Planning and Zoning Commission and the City Council. The application shall contain a Site Plan as outlined in Section 47, Site Plan Review, with the following information as well as any additional information as may be required by the Planning and Zoning Commission, City Council, or the Director of Development Services. Failure to meet the following submittal requirements will result in the rejection of the application.

1. The applicant's name and address and interest in the subject property.

2. The owner's name and address if different than the applicant and the owner's signed consent to the filing of the application.
3. The street address and legal description of the property.
4. The zoning classification and present use of the subject property.
5. A general description of the proposed Entertainment and Attraction Overlay.
6. A statement as to how the proposed Entertainment and Attraction Overlay is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely. Care should be taken when proposing an Entertainment and Attraction Overlay to ensure that uses within the overlay closely match those within the underlying zoning district and conformance with the Master Land Use plan is reasonably maintained.

HEARING ON THE ENTERTAINMENT AND ATTRACTION OVERLAY APPLICATION: A public hearing on the application shall be held and notice thereof given in the manner and form required as set out in Section 67, Amendments of this ordinance unless the Director of Development Services or the Planning and Zoning Commission determines that the application is incomplete.

STANDARDS: The following standards may be considered by the Planning and Zoning Commission and the City Council in determining whether an Entertainment and Attraction Overlay should be established:

1. That the proposed Entertainment and Attraction Overlay will be consistent with the adopted policies in the Comprehensive Master Plan of the City of Grapevine.
2. That the proposed Entertainment and Attraction Overlay will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
3. That the proposed Entertainment and Attraction Overlay will be constructed arranged and operated so as not to unreasonably interfere with the development and use of neighboring property in accordance with the applicable district regulations.

4. That the proposed Entertainment and Attraction Overlay at the specified location will contribute to or promote the welfare or convenience of the public.
5. That adequate access roads or entrance and exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
6. That the proposed Entertainment and Attraction Overlay will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the Overlay will provide adequately for such services.
7. That the proposed Entertainment and Attraction Overlay will comply with any additional standards imposed on it by the particular provision of this Ordinance authorizing such use.
8. That the proposed Entertainment and Attraction Overlay will minimize disruption to existing neighborhoods, will minimize the adverse impact on existing community services, and will complement in the least intrusive manner possible the needs of the city, region, and the State.
9. That the proposed Entertainment and Attraction Overlay is consistent with prior plans, master plans and projections of the applicant, if any, upon which the City of Grapevine has based planning or zoning decisions or, if the proposed use is consistent with prior plans or projections of the applicant, that any such inconsistency is outweighed by the benefits to the community of the proposed use.
10. The following zoning districts are not permitted to be utilized for the establishment of an Entertainment and Attraction Overlay: "R-20," "R-12.5," and "R-7.5," Single Family Districts; "R-5.0" Zero Lot Line District, "R-3.5" Two Family District, "R-3.75" Three and Four Family District, "R-MH" Manufactured Home District, "R-TH" Townhouse District, "R-MF" Multifamily District, "R-MODH" Modular Home District, "PRD-6" Planned Residential Low Density District, "PRD-12" Planned Residential Medium Density District, "PO" Professional Office District and "CN" Neighborhood Commercial District.

PERIOD OF VALIDITY: No Site Plan for an Entertainment and Attraction Overlay shall be valid for a period longer than one year from the date on which the City Council grants approval, unless within such one year period: (a) a Building Permit is obtained and the erection or alteration of a structure is started, or (b) an Occupancy Permit is obtained and a use commenced. The City Council may grant one additional extension not exceeding one year, upon written application, without notice or hearing. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application as required in Section 67, Amendments. It should be recognized that the establishment of an Entertainment and Attraction Overlay is contractual in nature and upon expiration of a Site Plan approved in conjunction with an Entertainment and Attraction Overlay, the property will revert to the underlying zoning district designation and all uses and the general development guidelines as stated in the underlying district shall apply. There shall be no vested right(s) associated with an expired site plan approved in conjunction with an Entertainment and Attraction Overlay. All property that has received an Entertainment and Attraction Overlay designation shall be eligible for the provisions of this ordinance provided that the application for an Entertainment and Attraction Overlay has not expired.

A. PRINCIPAL USES:

1. All principal uses established in the underlying zoning district. When varying from the uses within the underlying zoning district the applicant may provide an amended list of permitted uses and the conditions and reasons necessary for the change in standards from the underlying zoning district.

B. ACCESSORY USES:

1. All accessory uses established in the underlying zoning district. When varying from the uses within the underlying zoning district the applicant shall provide an amended list of accessory uses and the conditions and reasons necessary for the change in standards from the underlying zoning district.

C. CONDITIONAL USES:

1. All conditional uses established in the underlying zoning district. When varying from the uses within the underlying zoning district the applicant shall provide an amended list of conditional uses and the conditions and reasons necessary for the change in standards from the underlying zoning district.

D. LIMITATION OF USES: Uses prohibited shall be those uses specifically prohibited within the underlying zoning district. Uses which are not directly related or ancillary to entertainment and attraction type uses are expressly

prohibited. An Entertainment and Attraction Overlay shall not be established relative to any uses established within Section 49, Special Uses. Unique hotel concepts developed as part of an overall attraction/entertainment development may propose standards that are less restrictive than those required relative to room count, room size, conference center space, swimming pool requirement and size, full service restaurant requirement, and staffing.

- E. **DENSITY REQUIREMENTS:** Relief from strict compliance with density requirements may be permitted. Requirements associated with maximum density, lot size, minimum open space, maximum building coverage, and maximum impervious coverage shall be initially established by the underlying zoning district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district. Special consideration may be given to the clustering or grouping of entertainment and attraction uses.
- F. **AREA REGULATIONS:** Relief from strict compliance with area regulations may be permitted. Requirements associated with lot width, lot depth, front yard setback, side yard setback, rear yard setback, and distance between buildings shall be initially established by the underlying zoning district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district.
- G. **BUFFER AREA REGULATIONS:** Relief from strict compliance with buffer area regulations may be permitted. Requirements associated with the establishment of a buffer area shall be initially established by the underlying zoning district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district.
- H. **HEIGHT REQUIREMENTS:** Relief from strict compliance with height requirements may be permitted. Requirements associated with the height of structures shall be initially established by the underlying district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district.
- I. **LANDSCAPING REQUIREMENTS:** Relief from strict compliance with landscaping requirements may be permitted. Requirements associated

with landscaping shall be initially established in accordance with Section 53, Landscaping Regulations of the zoning ordinance. When varying from the guidelines within Section 53, Landscaping Regulations, the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from those established.

- J. **MASONRY REQUIREMENTS:** Relief from strict compliance with masonry requirements may be permitted. Requirements associated with the percentage coverage of masonry for all principal and accessory structures/buildings shall be initially established in accordance with Section 54, Masonry Requirements. When varying from the guidelines within Section 54, Masonry Requirements, the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from those established.
- K. **OFF-STREET PARKING REQUIREMENTS:** Relief from strict compliance with off-street parking requirements may be permitted. Requirements associated with off-street parking shall be initially established in accordance with Section 56, Off-Street Parking Requirements and Section 58, Parking, Loading, and Outside Storage Area Development Standards of the zoning ordinance. When varying from the guidelines within these Sections the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from those established.
- L. **OFF-STREET LOADING REQUIREMENTS:** Relief from strict compliance with off-street loading requirements may be permitted. Requirements associated with off-street loading shall be initially established in accordance with Section 57, Off-Street Loading Requirements of the zoning ordinance. When varying from the guidelines within Section 57, Off-Street Loading Requirements, the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from those established.
- M. **DESIGN REQUIREMENTS:** Relief from strict compliance with design requirements may be permitted. When applicable, design requirements shall be initially established by the underlying zoning district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district.
- N. **PLANNED COMMERCIAL CENTER DESIGN REQUIREMENTS:** Relief from strict compliance with planned commercial center design requirements may be permitted. When applicable, the design requirements associated with planned commercial centers shall be initially

established by the underlying zoning district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district.

- O. SIGN STANDARDS: Relief from strict compliance with sign standards may be permitted. Requirements associated with the height, size, type, and number of signs allowed shall be initially established in accordance with Section 60, Sign Standards. When varying from the guidelines within Section 60, Sign Standards, the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from those established.
- P. SUBDIVISION REGULATIONS AND CONSTRUCTION STANDARDS: Given the unique nature of this type of development, consideration may be given by the City Council to deviate from the subdivision regulations established for new construction within the City relative to the establishment of an Entertainment and Attraction Overlay, however, all constructions standards shall be met.
- Q. ADDITIONAL REQUIREMENTS, RESTRICTIONS AND CONSIDERATIONS: In granting an Entertainment and Attraction Overlay, the Planning and Zoning Commission may recommend, and the City Council may impose such conditions, safeguards and restrictions upon the premises benefited by the Entertainment and Attraction Overlay as may be necessary to comply with the standards set out in Section 41A, Standards of this Ordinance to avoid, or minimize, or mitigate any potentially injurious effect of such Entertainment and Attraction Overlay uses upon other property in the vicinity, and to carry out the general purpose and intent of this Ordinance. The Planning and Zoning Commission may also recommend and the City Council consider any additional conditions or stipulations in addition to, in lieu of, or provide relief from any other provisions of this ordinance when necessary. Such conditions shall be set out in the Ordinance approving the Entertainment and Attraction Overlay.